

**TRANSLATION****PATENT COOPERATION TREATY****PCT****INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**  
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

|   |  |  |
|---|--|--|
| Applicant's or agent's file reference<br><b>PF030154</b>  | <b>FOR FURTHER ACTION</b>  | See Form PCT/IPEA/416  |
| International application No.<br><b>PCT/FR2004/050463</b>   | International filing date ( <i>day/month/year</i> )<br><b>27.09.2004</b> | Priority date ( <i>day/month/year</i> )<br><b>07.10.2003</b> |
| International Patent Classification (IPC) or national classification and IPC<br><b>H04L29/06, H04N7/24, H04B7/185</b> |  |  |
| Applicant<br><b>THOMSON LICENSING</b>   |  |  |

|   |                                   |   |           |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                          |             |  |                          |              |   |
|---|-----------------------------------|---|-----------|---------------------|--------------------------|------------|----------|--------------------------|-------------|--|--------------------------|------------|----------------------------|-------------------------------------|-----------|---|--------------------------|------------|-------------------------|--------------------------|-------------|--|--------------------------|--------------|---|
| <p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> |                                   |   |           |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                          |             |  |                          |              |   |
| <p>4. This report contains indications relating to the following items:</p> <table><tr><td><input checked="" type="checkbox"/></td><td>Box No. I</td><td>Basis of the report</td></tr><tr><td><input type="checkbox"/></td><td>Box No. II</td><td>Priority</td></tr><tr><td><input type="checkbox"/></td><td>Box No. III</td><td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td></tr><tr><td><input type="checkbox"/></td><td>Box No. IV</td><td>Lack of unity of invention</td></tr><tr><td><input checked="" type="checkbox"/></td><td>Box No. V</td><td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VI</td><td>Certain documents cited</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VII</td><td>Certain defects in the international application</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VIII</td><td>Certain observations on the international application</td></tr></table>   |                                   | <input checked="" type="checkbox"/>   | Box No. I | Basis of the report | <input type="checkbox"/> | Box No. II | Priority | <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability | <input type="checkbox"/> | Box No. IV | Lack of unity of invention | <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | <input type="checkbox"/> | Box No. VI | Certain documents cited | <input type="checkbox"/> | Box No. VII | Certain defects in the international application | <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |
| <input checked="" type="checkbox"/>   | Box No. I                         | Basis of the report   |           |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                          |             |  |                          |              |   |
| <input type="checkbox"/>  | Box No. II                        | Priority  |           |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                          |             |  |                          |              |   |
| <input type="checkbox"/>  | Box No. III                       | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |           |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                          |             |  |                          |              |   |
| <input type="checkbox"/>  | Box No. IV                        | Lack of unity of invention  |           |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                          |             |  |                          |              |   |
| <input checked="" type="checkbox"/>   | Box No. V                         | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |           |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                          |             |  |                          |              |   |
| <input type="checkbox"/>  | Box No. VI                        | Certain documents cited   |           |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                          |             |  |                          |              |   |
| <input type="checkbox"/>  | Box No. VII                       | Certain defects in the international application  |           |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                          |             |  |                          |              |   |
| <input type="checkbox"/>  | Box No. VIII                      | Certain observations on the international application   |           |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                          |             |  |                          |              |   |
| Date of submission of the demand  | Date of completion of this report |   |           |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                          |             |  |                          |              |   |
| Name and mailing address of the IPEA/EP   | Authorized officer                |   |           |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                          |             |  |                          |              |   |
| Facsimile No.   | Telephone No.                     |   |           |                     |                          |            |          |                          |             |  |                          |            |                            |                                     |           |   |                          |            |                         |                          |             |  |                          |              |   |

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/FR2004/050463

Box No. I

Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language \_\_\_\_\_ which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-12 \_\_\_\_\_ as originally filed/furnished
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the claims:
- nos. 1-7 \_\_\_\_\_ as originally filed/furnished
- nos.\* \_\_\_\_\_ as amended (together with any statement) under Article 19
- nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the drawings:
- sheets 1/5-5/5 \_\_\_\_\_ as originally filed/furnished
- sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/FR2004/050463

**Box No. V** Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

|                               |        |     |     |
|-------------------------------|--------|-----|-----|
| Novelty (N)                   | Claims | 1-7 | YES |
|                               | Claims |     | NO  |
| Inventive step (IS)           | Claims |     | YES |
|                               | Claims | 1-7 | NO  |
| Industrial applicability (IA) | Claims | 1-7 | YES |
|                               | Claims |     | NO  |

## 2. Citations and explanations (Rule 70.7)

1. In the present report, reference is made to the following documents:

D1: EP 1 001 631 A (CANAL PLUS SA) 17 May 2000  
(2000-05-17);

D2: STALLARD, PAILA: "DVB thoughts on service  
discovery and selection" IETF DRAFT MMUSIC  
GROUP, 10 February 2003 (2003-02-10),  
XP015005363.

2. INDEPENDENT CLAIM 1

The present application does not fulfil the requirements set forth in PCT Article 33(1) because the subject matter of claim 1 does not involve an inventive step as defined in PCT Article 33(3).

Document D1, which is considered to be the prior art closest to the subject matter of claim 1, describes a routine method for transporting DVB streams and services via satellite. This is also acknowledged by the applicant in figure 1 and on

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/FR2004/050463

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

page 3.

It follows that the subject matter of claim 1 differs from the teaching in D1 in that the DVB service and stream production chain is transported via IP instead of via satellite.

The problem that the present invention is intended to solve can therefore be considered to be that of transferring said DVB services and streams from a satellite transport system to an IP transport system.

A person skilled in the art seeking to solve this problem would have read through the existing literature to determine whether or not such a problem has already been solved and, if so, in what manner. It follows that such a person would consider D2, which relates specifically to recommendations for transporting DVB services and streams via IP and explains how to use the IP addresses and ports to discover and select said services (SD&S in D1, paragraph 3. Assumptions, criteria 100, 1005 and 200). Moreover, since NIT and SDT interleaving is conventional in DVB (see, in particular, D1, figures 5 and 6) and since the construction of a list to be presented to the user is known from D2 (paragraph 4.2 Selection "Prior to selection, a list (or some other representation) of the discovered service will be presented to the user"), the solution proposed in claim 1 of the present application is not

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

considered to be inventive (PCT Article 33(3)).

3. DEPENDENT CLAIMS 2-7

These claims do not contain any features which, in combination with the features of any one of the claims to which they refer, fulfil the PCT requirements of novelty and inventive step (PCT Article 33(2) and 33(3)):

- claims 2 and 3: the fact that the IP address is provided manually by the user or automatically by the network is envisaged in the draft IETF in order to provide DVB services via IP (see, for example, criterion 1005 on page 3 of D2);
- claim 4: providing one or more services via the DVB stream is a routine optional embodiment in DVB;
- claim 5, containing the list of services in the NIT is a routine option in DVB (see also D1, figures 5 and 6) and positioning the NIT at the first address on the first broadcasting port makes no surprising contribution over the prior art.

4. The reasons set out above also apply to independent claim 6, which is the apparatus claim corresponding to the combinations of technical features in claims 1 to 5. As a result, claim 6 is not inventive, contrary to the requirements of PCT Article 33(2) and 33(3).

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/FR2004/050463

| Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement   |
|-----------|---|
| 5.        | <p>Similarly, since the use of IP as a transport layer for DVB streams has no surprising effects (D2), it would be obvious that IP broadcasting properties (address and port number) have to be used. This leads to the subject matter of claim 7 and, as a result, said claim is not inventive contrary to the requirements of PCT Article 33(2) and 33(3) .</p> |